

10-15-04

RCE/efm

Atty. Dkt. No. 355492-2554

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas J. WHALEN, et al.  
Title: NOVEL HIGH VISCOSITY  
EMBOLIZING COMPOSITIONS  
Appl. No.: 09/973,951  
Filing Date: October 11, 2001  
Examiner: S. Sharareh  
Art Unit: 1617

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service's "Express Mail Post Office To  
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1450, Alexandria, VA 22313-1450.

EV 532154038 US  
(Express Mail Label Number) 10-13-04  
(Date of Deposit)

Rene Campos  
(Printed Name)  
Rene Campos  
(Signature)

**REPLY PURSUANT TO 37 C.F.R. §1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Pursuant to 37 C.F.R. §1.114 is being submitted prior to the payment of the issue fee which is due on October 27, 2004 in the above-noted application. Applicants are submitting the accompanying Request for Continued Examination in order to resubmit an Information Disclosure Statement and have the references cited therein considered by the Examiner. A copy of the Information Disclosure Statement, originally submitted on July 23, 2004, is enclosed herewith.

As stated above, the Information Disclosure Statement was first submitted to the Office on July 23, 2004 as evidenced by the date-stamped postcard enclosed herewith. Notwithstanding, the Information Disclosure Statement was not made of record. Applicants note

that the Notice of Allowance, which was mailed on July 27, 2004 probably crossed in the mail with the Information Disclosure Statement. Applicants also note that the Information Disclosure Statement was first submitted in conjunction with art that was cited in a corresponding foreign equivalent application.

Applicants thank the Examiner for courtesies extended during a telephonic interview after it was discovered that the Information Disclosure Statement was not of record. Pursuant to the Examiner's suggestion, Applicants submit this request in order for the Examiner to consider the references cited therein.

Applicant believes that the present application is still in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 13, 2004 By Lorna Tanner

FOLEY & LARDNER LLP  
Three Palo Alto Square  
3000 El Camino Real, Suite 100  
Palo Alto, California 94306  
Telephone: (650) 856-3704  
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Lorna L. Tanner  
Attorney for Applicant  
Registration No. 50,782



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas J. WHALEN, et al.

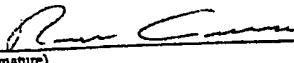
Title: NOVEL HIGH VISCOSITY  
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Examiner: S. Sarareh

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EV 512614985 US (Express Mail Label Number)	July 23, 2004 (Date of Deposit)
Rene Campos (Printed Name)	
	
(Signature)	

**TRANSMITTAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Information Disclosure Statement for the above-identified application; including:

- 1449 + duplicate (2);
- Copy of cited art 2 foreign patents and 1 article;
- Copy of Communication of Partial European Search Report (3 pgs.);
- Check No. 852475 in the amount of \$180.00;
- Return Receipt Postcard.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 23, 2004 By Lorna L. Tanner

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3000 El Camino Real, Suite 100  
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